

Montana Weed Laws and Regulations

(Summarized from 2008 Montana Weed Management Plan)

The first noxious weed legislation in Montana was passed in 1939. Since that time, additional laws and rules have been enacted to strengthen weed management efforts. The eight laws currently affecting weed management in Montana are summarized below and described in detail in Appendix F.

The Montana State Noxious Weed list is updated as needed and is determined by Rule of the Montana Department of Agriculture (MDA) under the provisions of the Montana County Weed Control Act. Changes or additions are based on advice and recommendations from the Montana Noxious Weed List Advisory Committee. The Committee reviews requests for additions to the list received by the MDA, using established criteria, and makes recommendations to the Director of the MDA. Weeds on federal and regional weed lists are reviewed for inclusion on the Montana state list based on their potential to invade and spread within the state.

Montana Department of Agriculture (MDA) administers a number of laws relating to weed management in the state.

Section 7-22-2151 of the Montana County Weed Control Act requires that any state agency controlling land within a district enter into a written agreement with the board. The agreement must specify mutual responsibilities for integrated noxious weed management on state-owned or state-controlled. The plan must include: a 6-year integrated weed management plan, to be updated biennially; a noxious weeds goals statement; and a specific plan of operations for each biennium, including a budget. Each agency is required to submit a biennial performance report to the Montana Department of Agriculture. These provisions were enacted by the 1995 Montana Legislature, and MDA is currently working with agencies and counties to facilitate implementation. State agencies with weed management responsibilities are: Department of Fish, Wildlife and Parks; Department of Natural Resources and Conservation; Department of Transportation; Department of Corrections; Department of Public Health & Human Services; and the University System.

The Montana Weed Control Act (Title 80, Chapter 7 Part 7) provides for technical assistance, funding of noxious plant management programs, and embargoes. Section 80-7-712 MCA allows the Montana Department of Agriculture to obtain federal funds and disburse funds to local governments authorized to conduct noxious plant management programs. In addition, Section 80-7-720 MCA provides for the following regarding biological agents for weed control: (1) the department of agriculture is authorized to expend funds for the collection and distribution of biological agents to control leafy spurge and spotted knapweed. The project will reduce energy consumption by reducing the need for repeated chemical application. (2) The department of natural resources and conservation is authorized to administratively transfer funds to the department of agriculture for the project described in subsection (1).

The Montana Noxious Weed Seed-Free Forage Act establishes a state noxious weed seed free forage and mulch certification program used by individuals, agencies, and private corporations on public and private lands. The Montana program supports and complements the regional North

American Weed Management Association (NAWMA) Noxious Weed Seed-Free Forage Certification Program. This program provides forage products that are free of regionally-designated noxious weeds seeds or any injurious portions of plants and any propagating parts of plants that are capable of producing new plants.

The Montana Agricultural Seed Act lists prohibited and restricted seed levels that must be maintained in state certified seed. All state noxious weeds are included in this list.

The Montana Commercial Feed Act prohibits noxious weeds in commercial feed.

The Montana Nursery Law allows for inspection, certification, and embargo of all nursery stock for listed pests, including weeds.

The Montana Environmental Policy Act must be addressed by all MDA actions that have potential environmental or socioeconomic impacts.

The Montana Noxious Weed Trust Fund Act is a grant-funding program designed to encourage local cooperative weed management programs, creative research in weed control, including the development of biological control methods, and educational programs. The MDA is responsible for weed supervisor training standards and listing of statewide noxious weeds by rule under the Montana County Weed Control Act. Revenue for the current grants program comes from interest from the \$4.76 million Trust and from the vehicle weed fee of \$1.50 per vehicle. Annual revenue from these two sources varies with current interest rates and averages between \$1.2 and \$1.7 million. In addition to the interest, the Noxious Weed Trust Fund (NWTF) receives \$101,337 annually from the Montana General Fund (these funds were redirected in 2003 from FWP general fund to the Department of Agriculture general fund), and in 2004, a grant of \$100,000 from the Natural Resource Conservation Service. Since 2001, \$830,000 annually has been provided to the NWTF from USDA Cooperative Forestry Assistance to manage weed infestations on Private, tribal and non-federal public lands having at least 10% tree cover.